

I. Remarks

In the Advisory Action, the Examiner refused to enter the Rule §1.116 amendment for the reasons that they raise new issues and would require further consideration and/or search, as well as the fact they raised the issue of new matter.

In support of these rejections, the Examiner points out at page 2 that “Applicant submitted new Claim 21 in the 10/27/04 reply and made no effort to point out its patentability as distinguished from the other claims; accordingly the examiner included it with the rejection of the other claims. The same applies to Claim 12 i.e. it is grouped with Claim 1 as no distinctions between the two are advanced.”

The undersigned does not understand this reason for the rejection of both independent Claims 12 and 21 since Claim 12 has been in the application from the first filing. Further, the undersigned is not aware of any requirement in the MPEP which requires the undersigned to group the claims or to set forth the need to point out separate patentability of each of the independent claims over each other or to point out the distinctions between the claims. The MPEP does provide for an inventor to propose independent claims of varying scope. Accordingly, in this application, independent Claims 1, 7, 12, 17 and 21 are nothing more than claiming the same invention as set forth in the specification, but each claim varying in scope. Further, the remarks as provided in the response of October 27, 2004 clearly set forth, at pages 12-23, the reasons why each of these independent claims is considered patentably distinct over the references cited by the Examiner in the rejection over the prior art. Accordingly, it is not understood what the Examiner means by the requirement that the Applicant sets forth distinctions between claims of varying scope in order to point out the patentability between independent claims. The undersigned specifically requests clarification

of this comment in the first Action to be issued in response to the filing of the Request for Continued Examination application.

The Examiner first pointed out that the amendment to the specification failed to comply with 37 C.F.R. §1.121(b)(1) in that the submission for page 9, line 6, is an incomplete paragraph i.e. it ends in a comma.

In response to this comment, the undersigned has carefully reviewed the submission of the Rule §1.116 amendment and since the Examiner has not pointed out that any pages were missing, the submission for requested amendment at page 9, line 6 is completed on page 4 of the responsive amendment filed to the final Office Action. Accordingly, if indeed there was an oversight and page 4 was missing from the responsive amendment submitted to the Examiner, the undersigned will await the Examiner's comments in the first Office Action in response to filing the Request for Continued Examination application.

The Examiner also pointed out that the amendment to the claims raised new issues as to the propriety of "planar", and the amendments to the paragraphs on pages 6 and 7 of the specification were considered to raise the issue of new matter.

I believe that the remarks set forth in the Rule §1.116 amendment at pages 15 and 16 make clear that the use of the word "planar" in the specification should not be considered new matter for the reasons set forth in these earlier remarks. Further, it is important to note that the word "planar" was also used in the amendment to Claim 12 and the issue of new matter was not raised in previous Office Actions.

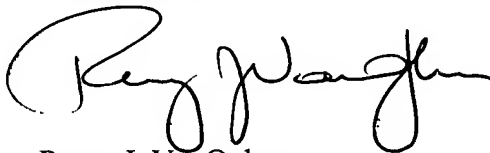
It is believed, as set forth in the Rule §1.116 amendment, that the claims as currently pending in the application are distinguishable over the prior art cited by the Examiner for the

simple reasons that they do disclose structure that is patentably distinct from the prior art and the teachings are not obvious in view of the prior art teachings.

If the Examiner have any questions with respect to this amendment or any matter now of record, Applicant's attorney may be reached at (586) 739-7445.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



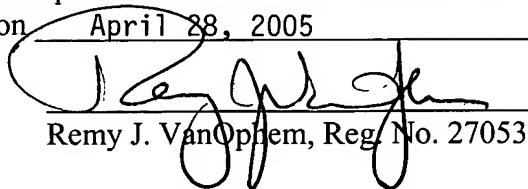
Remy J. VanOphem
Attorney for Applicant
Registration No. 27053

51543 Van Dyke Avenue
Suite 103
Shelby Township, MI 48316-4447
(586) 739-7445
Attorney Docket: NMC104A US
RVO/ndt

Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2005.

Date: April 28, 2005



Remy J. VanOphem, Reg. No. 27053